



# Independent Report Writers: Practice Standards and Expectations

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## 1. Background information

This document describes the standards expected of professionals commissioned by Children's Hearings Scotland (CHS) to prepare independent reports to support Panel Members' decision making.

It describes how reports are requested and allocated to ensure openness and transparency, and ensures confidence in consistency and quality in practice.

In addition, this sets out the arrangements for the administration and support available to Independent Report Writers.

### Independent Reports

When a children's hearing is unable to make a decision, Panel Members may defer the hearing and request a report which will provide the information required to progress the child's circumstances. Often, this will be an additional report from the Local Authority or another professional already working with the child and family. For example, an updated Child's Plan, a report from a school or contact centre, a more detailed parenting assessment or a report about the child's health from a health visitor, GP or other health professional. The hearing can also appoint a Safeguarder to provide an independent view of a child's case or explore the child's views.

In some situations, Panel Members may think that they need information from a professional with a different kind of experience or specific expertise to assist them. They may consider that they need a report from an independent person not already involved with the child or family. If a hearing asks for a report from someone who is not already working with the child or family and is not a Safeguarder, these are classed as 'independent reports'.

Before instructing a report, Panel Members should be satisfied that it is not possible to obtain the information from someone already involved in the child's case and that information is **essential** to enable Panel Members to decide whether compulsory measures of supervision are needed for a child or young person and what any necessary measures should be.

If these criteria are satisfied, Children's Hearings Scotland will commission a suitably qualified individual to prepare the report from a national Bank of Independent Report Writers.

### Legislation

The Children's Hearing (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013 allow a children's hearing to ask for an independent report.

[Rule 61\(1\)\(b\)](#) states that a hearing considering accepted or established grounds or a review hearing can defer making a decision and

*“require the reporter to obtain any report from any person which the children's hearing considers would be relevant to any matter to be determined by the hearing”.*

[Section 77](#) of the Age of Criminal Responsibility (Scotland) Act 2019 provides further legislative grounding for Independent Reports, setting out that when considering a decision to defer making or reviewing a compulsory supervision order, the hearing

*“must consider whether to require the Principal Reporter to obtain any report, from any person, which the children’s hearing considers relevant to any matter to be determined by the subsequent children’s hearing”.*

### **Independent Report Writers**

Independent Report Writers are experienced professionals from a range of disciplines recruited to a Bank of Independent Report Writers to provide independent reports to children’s hearings under these rules. The Bank of Independent Report Writers is administered and supported by Children’s Hearings Scotland.

To be appointed to the Bank, Independent Report Writers have demonstrated skills and experience in their own field of expertise in a thorough recruitment process.

## **2. Allocation of reports**

Independent Report Writers have been asked to undertake assessments and prepare reports about:

- parenting capacity
- risks posed by parents or carers to children in their family
- a child’s physical or emotional development and well-being
- risk of offending
- mental health of parents or carers
- contact arrangements
- permanence plans
- issues with school attendance

Arrangements for contact and future permanence plans are common areas of conflict between families and professionals in children’s hearings. Sometimes Panel Members receive such contradictory information that they may need an independent view.

CHS recruitment aims to ensure a mix of specialities and skills in the Bank of Independent Report Writers. Each report writer will submit a biography outlining their specialist expertise, which can be matched to report requests to ensure report commissions are only offered to suitably qualified individuals.

When a report request is made by a children’s hearing, information pertaining to the request will be sent to the Practice and Policy team who oversee the Independent Report function. This will not include personal details of the child or family but will include:

- the Panel Members’ reasons for the report request
- the geographical location of the child and relevant persons

- any additional requirements which may be critical to report writers understanding the amount of work required and being able to tender effectively, such as whether a translator is required, or if the child or relevant person have a hearing impairment.

The Independent Reports function will only forward this information to Independent Report Writers with the identified skills and experience to undertake the specific request. Where possible, three report writers will be asked to tender for each report.

If an Independent Report Writer is able and available to undertake the commission, they will be asked to submit a quote outlining the minimum and maximum estimated costs and proposal for undertaking the report within three days using a standard template. Quotes will be assessed competitively against the report request.

CHS will confirm instructions to the Independent Report Writer and request that the Scottish Children's Reporters Administration provide them with the documentation available to the previous children's hearing. This information will be sent by secure e-mail. In exceptional circumstances and to prevent delay for the child, information can be posted to the Independent Report Writer. All unsuccessful tenders will also be notified.

The Independent Report function will contact the report writer after four weeks to ensure the report is progressing as anticipated and will be submitted to the children's hearing on the agreed date.

### **3. Terms and conditions**

Report writers will be asked by CHS to undertake the work required and submit their report within seven weeks of first receipt of the papers.

Report writers must confirm receipt of the commission and acceptance of the terms and conditions to the Independent Reports Team as soon as possible to allow the child's paperwork to be sent to the report writer.

Exceptionally, this standard timescale for submitting reports may be extended in individual cases where appropriate, for example if there are multiple children residing in different placements across Scotland.

Each commission will include individual terms and conditions for the report setting out the agreed maximum approved costs, timelines for the submission of reports and the Information Governance expectations of the report writer.

Commissions will also be accompanied by a formal letter of commission that can be used to confirm the writers identity and remit with those relevant to the report writing process.

#### **4. Expectations of reports**

The primary purpose of reports is to aid Panel Members' decision making. Reports should answer the specific questions asked by the hearing in their report request. Panel Members, children and their parents and/or carers should be able to understand the content and recommendations in the reports. Report writers should use plain English, avoid use of professional jargon or acronyms and keep reports concise.

Reports must be based upon report writer's own independent professional assessment. They should set out the evidence and reasons for their conclusions and make clear recommendations. The reader must be able to understand what the report writer thinks and why. The report should differentiate facts from professional opinion.

As a minimum the report must include:

- name of the Independent Report Writer
- name of the child and their date of birth
- date of and reasons for the report request
- the activity undertaken for any assessment e.g. two contacts were observed or two years of contact centre reports were read and interpreted
- information about the views of the child/parent/carer/relevant persons
- reasoned analysis of the information available, referencing any professional or clinical assessment or measurement tools used to support this assessment
- answers to the questions asked in the written reasons for an independent report
- clear conclusion and recommendation

Please ensure that:

- only information that is necessary and relevant is included in a report
- sensitive historical or new information in which is essential for the report is treated in a manner that minimises the possibility of any further distress, in particular for the child
- conclusions and recommendations to be made by an independent report writer are shared appropriately with children, parents, carers, relevant persons and representatives from services and agencies in advance of hearings, to allow appropriate preparation and minimise potential distress and delay, in particular for the child.

The Independent Report Writer must make every effort to provide a report to the children's hearing within the agreed timescale. It is essential to keep any drift and delay in the planning for children to a minimum.

If there is any possibility that agreed timescales will not be met, CHS should be informed as soon as possible. An interim report may be provided for the next children's hearing if the Independent Report Writer has been unable to complete a final report.

## 5. Practice Standards

All Independent Report Writers are specialists within their own field of expertise and will also be working in line with their own professional practice standards.

This role should be carried out in a consistent and proportionate way for each child dependent on their specific needs. The following describes the minimum standards children, families and professionals involved in an independent report can expect.

They apply to everyone included in the Bank of Independent Report Writers, and are consistent with the [CHS values](#) which require everyone operating on behalf of Children's Hearings Scotland to be child-centred, creative, respectful, fair, challenging and open.

The role of an independent report writer is a highly trusted position, which enables access to highly sensitive information. Writers must understand that maintaining the trust and confidentiality of children, families, Children's Hearing Scotland and other independent report writers is a condition of this access. This means writers must abide by the boundaries of conversations, documents and information gathered while working in the role of an independent report writer. This is essential to ensure that safe spaces are maintained. Any reproduction of this information, including where details are anonymised, will be considered a serious breach.

Children, families and professionals can expect Independent Report Writers to perform the role in a way that is:

### Child-centred

- the child's individual needs are identified and his or her views and rights are respected.
- each individual child's culture, background, language, age and stage of development, any disability and circumstances are taken into consideration.
- appropriate language is used in all discussions involving children and the final report is jargon free.
- children will not be interviewed and/or assessed if, after assessing the adults involved in their lives and consulting all available reports, it is not deemed necessary to reaching a robust conclusion.
- if an Independent Report Writer is worried about the immediate safety of a child, they must follow their own professional guidelines and ensure that this is reported timeously in line with professional standards. Concerns must be reported in line with child protection procedures to the relevant local authority.

### Independent

- the independent nature of the Independent Report Writer role and its significance is fully explained to those involved, including the child, parents, carers, relevant persons and professionals.

- reports focus on the best interests of the child and conclusions are arrived at following rigorous and proportionate assessment and based on evidence, reasoning and justification following reflection and critical self-assessment.
- honest professional assessments, analyses and conclusions are reached free from pressure, persuasion or undue influence.
- Where actual or perceived conflicts of interest arise, writers understand their duty to raise this with Children's Hearings Scotland in order to ensure the integrity of the role is maintained.
- Where any potential or perceived conflict of interest which may affect objectivity and practice in relation to a specific case, writers should decline to tender for the related report or declare the conflict immediately to the Independent Report function once known.
- the role of the Independent Report Writer is limited to the scope of the report request; they should not become actively involved in the child's case. No contact with a child or family should be maintained after completion of the report.

### **Confidentiality**

- the Independent Report Writer must keep secure any documentation they are given in connection with a child. No personal or identifying information can be stored on personal devices. Report writers must use secure email addresses for sending reports which will be provided by CHS.
- all information must be securely destroyed at the end of the Independent Report Writer's appointment after the expiry of any timescales for appeals.
- information obtained by the Independent Report Writer will not be disclosed to others, except:
  - to those with a right to receive reports in relation to the children's hearing.
  - where there are concerns about child protection or adult protection as set out in national policies and local guidance.
- within the Bank of Independent Report Writers, professional challenge and critical reflection can be sought from colleagues regarding the approach undertaken to complete an assessment but this cannot involve the sharing of sensitive or personal information.

### **Respect**

- behave with integrity, honesty, fairness and openness at all times.
- be mindful of the need to support existing relationships between families and professionals which will continue after the Independent Report Writer's involvement in the case ends.
- treat all persons as individuals and equally without prejudice or discrimination.
- act in a way which demonstrates value and respect for diversity and different cultures and experiences.



## **6. Information Governance**

### **Privacy Notices**

For the compliance with current Data Protection legislation, Independent Report Writers are classed as Data Controllers. This requires them to take responsibility for the data that is provided to them, as well as collected and created by them. They can ask other parties to help process it, but they are responsible for ensuring that it is properly managed and securely stored.

### **Non-disclosure**

There may be occasions where consent is not given for information material to the report's recommendations, for example where a child does not wish their views to be shared with relevant persons. If you are in any doubt, please contact the Independent Report function for guidance on non-disclosure in the children's hearings system.

### **Breach of information**

Children's Hearings Scotland must be informed immediately if the Independent Report Writer believes a data breach or information security incident may have occurred. This can include anything from lost information or stolen paperwork to the accidental sharing of information with unauthorised recipients.

CHS must also be notified if an Independent Report Writer is aware that there appears to be a breach of confidentiality by someone else.

### **Retention Periods**

Writers should safely dispose of all personal information gathered during the report writing process, including all copies of the report, no later than 30 days after the final delivery of the report.

## **7. Practice Network**

As an independent professional practitioner, Independent Report Writers will be responsible for their own learning and development. They must keep up to date with required professional knowledge to fulfil their role properly.

Preparing independent reports for children's hearings can be a solitary role. To combat this, CHS will maintain an Independent Report Writers Practice Network and will bring Independent Report Writers together at several times per year to share experiences, improve consistency of approach, offer constructive professional challenge and identify areas where the process of providing reports can be developed further to improve outcomes for children and young people. All report writers are expected to commit to participation in the Practice Network and will be paid for their attendance.

Direct peer support can also be arranged for individual reports, through CHS. This will operate on a voluntary basis.

## **8. Quality Management**

The need for an independent report can add significant delays to the decision making for a child or young person. The cost of such reports amounts to substantial sums of public money each year. A good quality management framework is required to ensure that public funds are being spent appropriately, reports are fit for purpose and that they aid Panel Members' decision making.

There is particular need to ensure that the reports provided to Panel Members are of a high quality in order to enable sound decision-making.

Quality management, guided by the Practice Standards described above, will be a key consideration for all aspects of independent reports including recruitment of report writers, processes for commissioning and delivering reports, and the quality of the reports themselves. This may include consideration of:

### **1. Fulfilling Requirements:**

Report sampling to compare the request of the hearing, the work and assessment undertaken will be compared to the original quote provided and the overall report will be reviewed focussing on suitability for purpose and compliance with the Report Expectations above. The results will be used to inform improvement discussions within the Practice Network.

### **2. Panel Member Usability:**

Panel Members may be asked to provide feedback on the readability of the report, the appropriateness of the content and how it helped them to reach a substantive decision.

## **9. Complaints**

The CHS Complaints Policy applies to all members of the CHS Community. This includes Independent Report Writers who are undertaking work on behalf of CHS. The Independent Reports function can be contacted for further information about this process.

For example, a complaint may relate to the way an Independent Report Writer has conducted themselves while undertaking the assessment. Dissatisfaction with the hearing's decision which followed an independent report's recommendations would not be treated as a complaint. The child, relevant persons and any appointed Safeguarder each have rights to challenge a decision through appeal.

If a complaint is made by a member of the public, it will be investigated thoroughly by our Complaints Management Officer who is member of the CHS Practice and Policy Team and oversees complaints. The Independent Reports Team will provide you with direct support throughout the process.

If a complaint is made against a report writer by a Panel Member, this would be dealt with by our CHS Community Concerns Policy. Similarly, if an Independent Report Writer wishes to raise a complaint about a Panel Member, member of CHS staff, CHS policy or a fellow report writer, the Community Concerns Policy will apply. If, during their involvement with a child's case, an Independent Report Writer wishes to complain about the actions of another professional, including the Children's Reporter they should contact the Independent Report function.

The CHS Complaints Handling and Community Concerns policies aim for frontline resolution, where possible. Any investigations are conducted in the spirit of learning from complaints or concerns to improve our service, not apportioning blame.

## **10. Safety**

The safety of Independent Report Writers is of paramount importance, and should not be compromised in pursuit of an independent report.

While conducting work associated with an Independent Report Commission, lone working may be required in certain instances. It is the responsibility of report writers to risk assess each situation, and ensure that clear safeguards such as emergency contacts and regular check ins with trusted colleagues. In some cases where the risk is assessed to be high, alternative methods of engagement can be opted for, such as: telephone, virtual call etc.

If SCRA are made aware of any information likely to give rise to safety concerns or considerations, this information will be shared in detail with the independent report writer who has been commissioned, and in general with CHS.

If a report writer is ever concerned about their own safety, CHS can be contacted for further discussion and guidance.

## **11. Support for Independent Report Writers**

The Independent Report function within the Practice and Policy Team will be the main point of contact for all report writers and will provide guidance, support and advice around all aspects of the process. They will not be able to offer any input into the content of reports or comment on individual cases.

They will provide an induction for all new Bank members and will ensure a reasonable distribution of workload across the Bank. They will maintain contact with report writers to

keep delays to children's hearings to a minimum, provide feedback to individuals based on the quality assurance framework above, organise the Practice Network and will facilitate the timely payment of all invoices.